

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EVDOKIA NIKOLOVA

Plaintiff,

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vs.

UNIVERSITY OF TEXAS AT AUSTIN

Defendant.

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CASE NO. 1:19-cv-00877-RP

DECLARATION OF SHERRARD (BUTCH) HAYES

1. My name is Sherrard (Butch) Hayes. I am of sound mind and capable of making this declaration. I am personally acquainted with the facts herein stated, which are true.

2. I am licensed to practice law in Texas and have been practicing since 1992. I have been Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization for more than 20 years. In addition to being licensed by the State Bar of Texas, I am licensed in the U.S. District Courts for the Eastern, Northern, Southern, and Western Districts of Texas, the U.S. Court of Appeals for the Fifth Circuit and the United States Supreme Court.

3. I am a founding partner of Weisbart Springer Hayes LLP in Austin, Texas, where I currently work. Prior to that, I worked for approximately twenty years at Vinson & Elkins, LLP, and Fulbright & Jaworski, LLP, including acting as Administrative Partner and Partner-in-Charge of Fulbright & Jaworski, LLP's, Austin office. In the latter roles I was responsible for understanding market rates for attorneys in various practices, including labor and employment litigation. I regularly practice in employment law representing employers as well as executives and other individuals. I have successfully defended a wide range of public and private companies, including Fortune 100 corporations, in significant federal and state discrimination and class-action

wage and hour matters, including disparate impact, and statistical cases against the government and private plaintiffs.

4. Some of my professional honors and distinctions include being named Lawyer of the Year in Labor Law-Management – Austin, 2016, 2022, in *Best Lawyers in America*, named by *Best Lawyers in America*, from 2005-present. I have been selected as one of the “Top 100” lawyers in Texas in 2008, “Top 50” attorneys in Central/West in 2008-2010, and a “Texas Super Lawyer,” from 2006-present, by Thomson Reuters Legal. I’ve also been named as one of the “Nation’s Most Powerful Employment Attorneys, Up-And-Comers” by *Human Resource Executive* magazine in 2011 and “Best Business Attorneys & Corporate Counsel,” by the *Austin Business Journal* in 2006.

5. I have tried cases in state and federal courts throughout the country, as well as multiple arbitrations to award.

6. Based on the work and attorneys’ fees charged by my law firm and my experience working with other attorneys as well as legal clients, I am familiar with the customary attorneys’ fees for work done in employment law and Title VII cases in the federal court where I maintain my office, i.e., in the Austin Division of the Western District of Texas.

7. I am familiar with attorneys Robert W. Schmidt and Robert Notzon, who I understand both practice regularly in the Western District and Austin area. I have known both Mr. Schmidt and Mr. Notzon for more than ten years and worked with them at different times as opposing counsel in several cases. Both are regarded as knowledgeable and skilled employment lawyers.

8. Based upon my experience and knowledge of the reasonable market rates for practitioners with the skills, experience, and reputation of Mr. Schmidt and Mr. Notzon, it is my

opinion that the hourly market rate for such attorneys in the Austin Division of the Western District of Texas is in the \$500 - \$850 range, with some outliers on either side of that range. Mr. Schmidt's requested rate of \$625 per hour and Mr. Notzon's requested rate of \$575 per hour is well within the market rates for similarly qualified counsel.

9. My hourly rate for litigation ranges depending on the client and nature of the matter, but generally falls within the range identified above.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on September 12, 2022.



Sherrard (Butch) Hayes